

**Notice of Allowability****Application No.**

09/585,129

**Examiner**

JACOB C. COPPOLA

**Applicant(s)**

HUGHES ET AL.

**Art Unit**

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' response filed on 14 July 2010.
2. ☒ The allowed claim(s) is/are 1-3 and 5-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20110106.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/JACOB C. COPPOLA/  
Examiner, Art Unit 3621

## **DETAILED ACTION**

### **Acknowledgements**

1. This Office Action is in reply to Applicants' response filed on 14 July 2010 and to the interview conducted on 06 January 2011.
2. Claims 1 and 6 have been amended by the Examiner.
3. Claims 1-3 and 5-8 are pending and have been allowed.
4. This Office Action is given Paper No. 20110106. This number is for reference purposes only.

### **Drawings**

5. New corrected drawings (for FIGURES 5-7 only) in compliance with 37 CFR 1.121(d) are required in this application because figs. 5-7 are illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

## **EXAMINER'S AMENDMENT**

6. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

7. Authorization for this Examiner's amendment was given in an email communication received from Mr. Eric King on 06 January 2011.

8. The application has been amended as follows:

**Claim 1:** (Currently Amended by the Examiner) A method of operating a content delivery system implemented by a server computer for distributing advertising content to a plurality of personal computers, including a first and a second personal computer, the method comprising:

collecting identification data from each of the plurality of personal computers via a network, wherein each of the plurality of personal computers are configured to periodically receive and store advertisements while or before bootloading a user selected application environment;

receiving an advertising content from an advertiser, the advertising content including a plurality of advertisements;

receiving preference data from each of the plurality of personal computers, wherein the preference data of the first personal computer and the second personal computer are selected by a first user of the first personal computer and a second user of the second personal computer, respectively;

selecting a first advertisement from the advertising content to be distributed to the first personal computer and a second advertisement from the advertising content to be distributed to the second personal computer, wherein the first and second advertisements are selected based

upon the received preference data from the first and second personal computers, respectively, and pre-determined conditions related to advertisement distribution;

formatting the first and second advertisements for storage and display in the first and second personal computers, respectively, while or before bootloading the user selected application environment, wherein a time frame occurs while or before bootloading and is divided into a plurality of time slots; and

distributing, using the collected identification data, the formatted first and second advertisements to the first and second personal computers, respectively, wherein the first and second personal computers are ~~[[configured]]~~ programmed to display the first and second advertisements, respectively, during one of the plurality of time slots, the one of the plurality of time slots having been purchased by the advertiser; and

associating a fee with data representative of the advertiser ~~for one of the distributed first or second advertisements.~~

**Claim 6:** (Currently Amended by the Examiner) A content delivery system ~~for distributing advertising data to a network of a plurality of personal computers, the content delivery system including a server computer, the server computer~~ comprising:

a network of a plurality of personal computers, wherein at least one personal computer of the plurality of personal computers is programmed to display a first advertisement during one of a plurality of time slots, the one of the plurality of time slots having been purchased by an advertiser;

a server computer comprising:

an identification database comprising identification data, wherein the identification data uniquely identifies a computer or a user in the network of the plurality of personal computers;

an advertisement database comprising advertising data, wherein the advertising data is formatted for storage and display in the network of the plurality of personal computers while or before each of the plurality of personal computers bootloads a selected application environment, and wherein the advertising data includes a plurality of advertisements;

a collection module [[for]]programmed to collect[[ing]] the identification from the network of the plurality of personal computers and store[[storing]] the collection information in the identification database;

a formatting module [[for]]programmed to format[[ting]] and store[[storing]] the advertising data in the advertisement database, wherein the advertising data is formatted by the formatting module for storage and display in the personal computers while or before bootloading the user selected application environment, wherein a time frame occurs while or before bootloading and is divided into the[[a]] plurality of time slots; and

a control module programmed to:

receive preference data from each of the personal computers, wherein the preference data is selected by a respective user of each of the plurality of personal computers;

select the[[a]] first advertisement from the advertising data to be distributed to the at least one personal computer of the plurality of personal computers ~~one of the plurality of personal computers in the network of the plurality of personal computers~~ based upon

the received preference data from the at least one personal computer of the plurality of personal computers and pre-determined conditions related to advertisement distribution;

distribute the formatted first advertisement to the at least one personal computer of the plurality of personal computers via the network, ~~wherein the one of the plurality of personal computers is configured to display the first advertisement, respectively, during one of the plurality of time slots, the one of the plurality of time slots having been purchased by the advertiser; and~~

associate a fee with data representative of the advertiser ~~for one of the distributed first or second advertisements.~~

#### **Reasons for Allowance**

9. The following is an Examiner's statement for reasons for allowance. While Abgrall (U.S. 6,373,498 B1) shows that it is well-known to display advertisements during boot-up of a computer, the prior art of record does not teach or fairly suggest formatting an advertisement for display during one of a plurality of purchasable time slots and a computer programmed to display the advertisement, where the time slots occur before or during bootloading of an application environment on the computer (now required by claims 1 and/or 6).

10. Moreover, regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug 283 Fo3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-9 of the original specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various

meanings... the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB C. COPPOLA whose telephone number is (571) 270-3922. The Examiner can normally be reached on Monday - Friday, 9 am - 5 pm.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACOB C. COPPOLA/  
Examiner, Art Unit 3621  
10 January 2011

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621